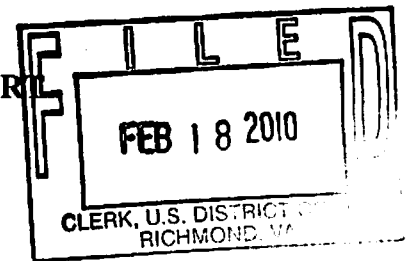


**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**



SUSAN AYERS and JOHN AYERS,

Plaintiffs,

v.

NVR, INC. D/B/A RYAN HOMES, NVR
MORTGAGE FINANCE, INC., NVR
SETTLEMENT SERVICES, INC., FIRST
GUARANTY MORTGAGE
CORPORATION, CITIBANK, N.A.,
MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC., EMC
MORTGAGE CORPORATION, and
EQUITY TRUSTEES, LLC

Defendants.

Civil Action No. 3:10CV112 (HEH)

NOTICE OF REMOVAL

Defendant First Guaranty Mortgage Corporation ("FGMC"), by its attorneys, BUCKLEYSANDLER LLP, hereby removes the above-captioned action, Case No. CL09000141-00, currently pending in the Spotsylvania County Circuit Court, to the United States District Court for the Eastern District of Virginia, Richmond Division. Removal is based on 28 U.S.C. § 1331 (federal question jurisdiction) and 28 U.S.C. § 1367(a) (supplemental jurisdiction). As grounds for removal, FGMC states the following:

1. Plaintiffs Susan and John Ayers ("Plaintiffs") commenced this action on or about February 2, 2009, by filing a Motion for Judgment (the "Complaint") with the Civil Clerk of the Circuit Court for Spotsylvania County, Virginia (the "State Court Action"). The State Court Action was assigned Case Number Case No. CL09000141-00.

2. The Complaint alleges that Defendants violated the federal Truth in Lending Act (“TILA”), 15 U.S.C. §§ 1601 *et seq.*, Home Ownership Equity Protection Act (“HOEPA”), 15 U.S.C. §§ 1602(aa), 1639, and Real Estate Settlement Procedures Act (“RESPA”), 12 U.S.C. §§ 2601 *et seq.*, in connection with the origination and servicing of Plaintiffs’ mortgage loan. (Complaint ¶¶ 6, 8, 11.)

3. The Complaint also alleges that Defendants violated unspecified state laws and engaged in common law fraud in connection with the origination and servicing of Plaintiffs’ mortgage loan. (Complaint ¶¶ 8-15.)

4. Removal to this Court is proper. Pursuant to 28 U.S.C. §§ 1446(a) and 1441(a), this Notice of Removal is being filed in the United States District Court for the Eastern District of Virginia, Richmond Division, which is the federal district court embracing the state court where the State Court Action was filed. (*See* Local Civil Rule 3(B)(4).)

5. Removal is timely. The summons and Complaint were first received by service upon FGMC on February 2, 2010 (one year to the day after the complaint was filed). Receipt of the summons and Complaint was the first notice of the State Court Action or federal jurisdiction received by FGMC. This Notice of Removal is being filed with the United States District Court for the Eastern District of Virginia on February 18, 2010, within thirty (30) days after receipt by FGMC of the State Court Action Complaint. *See* 28 U.S.C. § 1446(b).

6. This Notice of Removal is signed pursuant to Federal Rule of Civil Procedure 11. *See* 28 U.S.C. § 1446(a).

7. All other procedural requirements have been met.

(a) Attached hereto as **Exhibit A** is a copy of all process, pleadings and orders served upon FGMC in the State Court Action to date, namely, the summons and Complaint. *See* 28 U.S.C. § 1446(a).

(b) Attached hereto as **Exhibit B** is a copy of the Notice of Filing of Notice of Removal that FGMC promptly will file with the Civil Clerk of the Circuit Court for Spotsylvania County, Virginia, and promptly will serve upon Plaintiffs.

8. Removal is warranted pursuant to 28 U.S.C. § 1331, which confers jurisdiction to federal courts over all civil actions arising under the laws of the United States.

9. This court has jurisdiction over this action pursuant to 28 U.S.C. § 1331, as the action against Defendants arises under federal statutes, including TILA, HOEPA and RESPA.

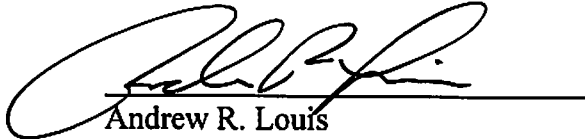
10. This Court has supplemental jurisdiction over Plaintiffs' state common law claims against Defendants pursuant to 28 U.S.C. § 1367(a), as those claims are so related to Plaintiffs' federal law claims that they form part of the same case or controversy under Article III of the United States Constitution.

11. Defendants NVR, Inc. d/b/a Ryan Homes, NVR Mortgage Finance, Inc., NVR Settlement Services, Inc. (collectively "NVR"), EMC Mortgage Corporation ("EMC"), Mortgage Electronic Registration Systems, Inc. ("MERS") and Equity Trustees, LLC, consent to the removal of this action. (Attached hereto as **Exhibit C** are copies of the Consents to Removal signed by counsel for NVR, EMC, MERS and Equity Trustees, LLC.) Counsel for FGMC has been unable to make contact with defendant Citibank, N.A., and therefore has been unable to determine whether Citibank, N.A., consents to the removal of this action.

WHEREFORE, this action should proceed in the United States District Court for the Eastern District of Virginia, Richmond Division, as an action properly removed thereto.

Dated: February 17, 2010

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Andrew R. Louis", is written over a horizontal line.

Andrew R. Louis

VSB No. 47111

Attorney for Defendant First Guaranty Mortgage Corporation

BUCKLEYSANDLER LLP

1250 24th Street, NW, Suite 700

Washington, DC 20037

Tel: (202) 349-8000

Fax: (202) 349-8080

e-mail: alouis@buckleysandler.com

CERTIFICATE OF SERVICE

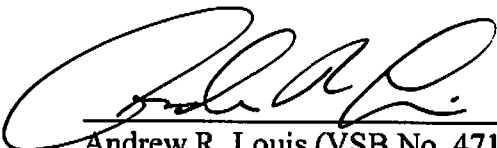
I hereby certify that on this 17th day of February, 2010, I served a copy of the above and foregoing by first class mail, postage prepaid, to the following:

Christopher E. Brown, Esq.
R. Michael Smith, Esq.
Brown, Brown & Brown, P.C.
6269 Franconia Road
Alexandria, VA 22310
Attorneys for Plaintiffs Susan and John Ayers

John J. Dwyer, Esq.
DLA Piper LLP (US)
1775 Wiehle Avenue, Suite 400
Reston, Virginia 20190-5159
*Counsel for Defendants NVR, Inc. d/b/a Ryan
Homes, NVR Mortgage Finance, Inc., NVR
Settlement Services, Inc.*

Michael R. Sklaire, Esq.
Greenberg Traurig, LLP
1750 Tysons Boulevard, Suite 1200
McLean, VA 22102
*Counsel for Defendants EMC Mortgage
Corporation and Mortgage Electronic
Registration Systems, Inc.*

Joseph M. LeNoir, Esq.
Bierman, Geesing, Ward & Wood, LLC
8100 Three Chopt Road, Suite 240
Richmond, VA 23229-4833
Counsel for Defendant Equity Trustees, LLC



Andrew R. Louis (VSB No. 47111)
*Attorney for Defendant First Guaranty
Mortgage Corporation*
BUCKLEYSANDLER LLP
1250 24th Street, NW, Suite 700
Washington, DC 20037
Tel: (202) 349-8000
Fax: (202) 349-8080
e-mail: alouis@bucklesandler.com

EXHIBIT A



Served
02/02/10

CIRCUIT COURT OF SPOTSYLVANIA COUNTY
Civil Division
9115 COURTHOUSE ROAD
SPOTSYLVANIA, VA 22553

Summons

To: FIRST GUARANTY MORTGAGE CORPOR
SERVE REGISTERED AGENT:
GEORGE LEROY MORAN, ESQUIRE
4041 UNIVERSITY DRIVE
SUITE 301
FAIRFAX, VA 22030

Case number: 177CL09000141-00

The party upon whom this Summons and the attached Complaint are served is hereby notified that unless within 21 days after such service, response is made by filing in the clerk's office of this court a pleading in writing, in proper legal form, the allegations and charges may be taken as admitted and the court may enter an order, judgment, or decree against such party either by default or after hearing evidence.

Appearance in person is not required by this Subpoena.

Done in the name of the Commonwealth of Virginia on, Monday, January 25, 2010.

Clerk of Court: CHRISTALYN M. JETT

By: _____

(Clerk/Deputy Clerk)

Instructions:

Attorney's name: R. MICHAEL SMITH
703-924-0223

VIRGINIA:

IN THE CIRCUIT COURT FOR SPOTSYLVANIA COUNTY

SUSAN AYERS
6617 Broad Creek Overlook
Fredericksburg, VA 22407,

and

JOHN AYERS
6617 Broad Creek Overlook
Fredericksburg, VA

Plaintiff,

v.

NVR, INC. d/b/a RYAN HOMES,
a Virginia corporation
SERVE: Registered Agent:
James M. Sack, Esq.
8270 Greensboro Drive Suite 810
McLean, VA 22102

and

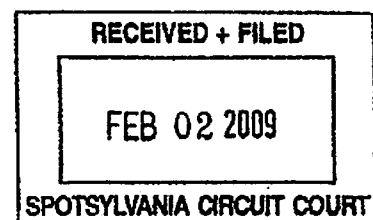
NVR MORTGAGE FINANCE, INC.,
a Virginia corporation
SERVE: Registered Agent:
James M. Sack, Esq.
8270 Greensboro Drive Suite 810
McLean, VA 22102

and

NVR SETTLEMENT SERVICES, INC.,
a Pennsylvania corporation
SERVE: Registered Agent:
James M. Sack, Esq.
8270 Greensboro Drive Suite 810
McLean, VA 22102

and

Case No.: 08-141



FIRST GUARANTY MORTGAGE CORPORATION,))

a Virginia corporation,)

SERVE: Registered Agent:)

George Leroy Moran, Esq.)

4041 University Drive Suite 301)

Fairfax, VA 22030)

and)

CITIBANK, N. A., a United States corporation,)

AS TRUSTEE FOR)

STRUCTURED ASSET MORTGAGE)

INVESTMENTS II, Inc., BEAR STEARNS)

ALT-A TRUST, MORTGAGE PASS-THROUGH)

CERTIFICATES SERIES 2007-3)

SERVE: Registered Agent:)

CT Corporation System)

4701 Cox Road)

Glen Allen, VA 23060)

and)

MORTGAGE ELECTRONIC REGISTRATION)

SYSTEMS, INC.,)

a Delaware corporation)

SERVE: Registered Agent:)

R. K. Arnold, III, Esq.)

8201 Greensboro Drive Suite 350)

McLean, VA 22102)

and)

EMC MORTGAGE CORPORATION,)

a Delaware corporation)

SERVE: Registered agent:)

CT Corporation System)

4701 Cox Road Suite 301)

Glen Allen, VA 23060)

and)

EQUITY TRUSTEES, LLC,)
a Virginia limited liability company)
SERVE: Registered Agent:)
James M. Towarnicky, Esq.)
3977 Chain Bridge Rd, Suite 1)
Fairfax, VA 22030)
Defendants.)

MOTION FOR JUDGMENT

COMES NOW the plaintiffs, Susan Ayers and John Ayers, by counsel, and for their complaint against the Defendants aver as follows:

1. On or about January 31, 2007, Plaintiff entered into a consumer credit transaction (hereinafter the "Note") with First Guaranty Mortgage Corporation (hereinafter "FGMC") in which the extended consumer credit was subject to a finance charge and which was initially payable to FGMC. This consumer credit transaction was underwritten by, originated by and/or facilitated by NVR Mortgage Finance, Inc. (hereinafter "NVR Mortgage"), which Defendant participated in and/or collected part or all of the finance charge or other charges. The closing and settlement of the consumer credit transaction and the real estate transaction on the real property hereafter described was conducted by NVR Settlement Services, Inc. (hereinafter "NVR Settlement"), which company, on information and belief, is a subsidiary of NVR, Inc. or NVR Mortgage, and which company conducted the closing and settlement at the direction of, under the control of and conducted favorable financial activities for NVR, Inc., NVR Mortgage and/or FGMC.

2. NVR, Inc. d/b/a Ryan Homes (hereinafter "Ryan Homes") builds homes including homes in Stafford County, Virginia and including the home built and sold to the Plaintiff. The home built by Ryan Homes and the land in Stafford County on which it sits (formerly owned by Ryan Homes) comprise the property hereafter described and are the subject property of this suit.

In and about the sale of the Property to the Plaintiff, Ryan Homes, acting by and through its agents, servants or employees or affiliate or subsidiary companies, induced the Plaintiff to enter into or alter their contract for purchase of the Property, misrepresented actually or negligently significant facts concerning the development of the subdivision in which the Property is located, and, together with NVR Mortgage, NVR Settlement and FGMC, coerced the Plaintiffs to close the consumer credit transaction financing the acquisition of the Property by threatening the forfeiture of their earnest money deposit.

3. As part of this consumer credit transaction, FGMC retained a security interest in 6617 Broad Creek Overlook, Fredericksburg, VA 22407, which is Plaintiffs' home.

4. Plaintiffs are the equitable owner and joint title holders of the Property and resides at 6617 Broad Creek Overlook, Fredericksburg, VA 22407 (hereinafter "the Property").

5. Plaintiff's Deed of Trust was held in a trust David A. Neal, for the benefit of Mortgage Electronic Registration Systems, Inc. (hereinafter "MERS"). Subsequently, on or about October 10, 2008, through a "Deed of Appointment of Substitute Trustee," Citibank, N.A., as Trustee of Defendant "Structured Asset Mortgage Investments, Inc, Bear Stearns Alt-A Trust, Mortgage Pass-Through Certificates Series 2007-3" (hereinafter "Structured Asset") appointed Defendant Equity Trustees, LLC (hereinafter "Equity") as the Substitute Trustee (Exhibit B – Deed of Substitute Trustee).

6. Plaintiff did not receive any correspondence from FGMC, as required by contract and law ("RESPA" - 12 USC §2605), that they have assigned, transferred, or sold Plaintiff's loan, and their interest in Plaintiff's home, to Defendant Structured Asset, or anyone else.

7. The Deed of Appointment of Substitute Trustee is certified / signed by Christine Anderson, who is self-designated as signing on behalf of EMC Mortgage Corporation, as

attorney-in-fact for Citibank, N.A., who is serving as Trustee for Defendant Structured Asset (see Exhibit B). Plaintiffs have no knowledge of any interest that Defendant Structured Asset has in their Note or loan, has no knowledge of the interest or relationship of Citibank, N.A. to Defendant Structured Asset, and has no knowledge of the relationship between EMC Mortgage Corporation and Citibank, N.A. Plaintiff demands proof of the authority of Christine Anderson to sign on behalf of EMC Mortgage, as attorney in fact for Citibank, N.A., as trustee for Defendant Structured Asset. The authority can only come from Defendant Structured Asset, and Plaintiff desires some evidence of Defendant Structured Asset's request to foreclose on this home.

8. Defendants are responsible for violations of state and federal laws which occurred in the course of the loan transaction with Plaintiff. These violations include the Truth in Lending Act, 15 U.S.C. § 1601 *et seq.*, ("TILA") which allows Plaintiff to rescind the transaction which created the mortgage that is the subject of the above-captioned foreclosure proceeding, and also Federal Reserve Board Regulation Z, 12 C.F.R. § 226 (hereinafter Reg. Z), the Home Equity Protection Act, 15 U.S.C. §§ 1602(aa) and 1639 (hereinafter "HOEPA"), the Real Estate Settlement Procedures Act, 12 U.S.C. §§ 2601 to 2617 (hereinafter "RESPA"), Regulation X, 24 C.F.R. § 3500.1 *et seq.* (hereinafter Reg. X), and of Virginia Statutory and common law. Violations of TILA in regard to this consumer loan transaction automatically void the mortgage held by Defendant on the home.

9. Plaintiff was induced by FGMC, NVR Mortgage or Ryan Homes to obtain a mortgage loan with them to obtain the necessary financing to purchase the home.

10. Upon information and belief, FGMC sold, discounted, endorsed, assigned servicing of the Note to EMC Mortgage Corporation (hereinafter "EMC") and/or Citibank, N. A. as

Trustee for Structured Assets Mortgage Investments II, Inc, etc. (hereinafter "Structured Assets"). Thereafter, FGMC, NVR Mortgage, EMC, Structured Assets, Equity Trustees, LLC (hereinafter "Equity") and unknown others have engaged in a pattern of fraud and deception in attempting to foreclose on my residential property.

11. Upon information and belief, NVR Mortgage, FGMC, EMC, Structured Assets and Equity have violated numerous federal and state laws with respect to Plaintiff's mortgage loan.

12. It was unknown to the Plaintiffs that the loan officer and the mortgage broker, employees of NVR Mortgage and/or FGMC, had committed fraud in submitting the loan application to the lender and/or funder of the loan. But for this fraud, Plaintiff would not have qualified for this loan, and would not have suffered the damages she has as a result of being induced into signing a Note for a subprime toxic loan, the likes of which are at the heart of the mortgage meltdown which is causing the economic crisis we are experiencing today.

13. The appraisal on the home was inflated for no other purpose but to increase fees / compensation to the Defendants. All or some of the Defendants had a pattern and practice of placing pressure on the appraisers, and only using those appraisers who would appraise the homes with inflated numbers to increase the Defendants' fees / compensation for creating the loan.

14. The loan officer and the mortgage broker, employees of NVR Mortgage and/or FGMC, and employees of Ryan Homes, all made misrepresentations to the Plaintiff about her loan, what type of loan she may be eligible for and the terms of said loan, for no other purpose than to defraud the Plaintiff out of additional funds that directly benefited those Defendants and placed the Plaintiff at risk of suffering extensive damages resulting from an inability to pay the Note, such as but not limited to serious derogatory marks on her credit report, facing foreclosure

of her home, suffering the embarrassment of the same, and emotional distress given the constant pressure placed on her by the lender to make payment, which is a continuation and perpetuation of the fraud committed at the time of creation of the loan.

15. The mortgage broker and the funder of the loan, as well as the lender, employees of one or more of the Defendants, have perpetuated the fraud, and violated the laws of this Commonwealth and the United States, by wiring, transferring, or disseminating funds and/or messages relating to Plaintiff's loan across state lines, demanding payment from Plaintiff, and/or accepting money from her at the time of any change in the amount of the payments, also known as the "change date."

16. The fraud committed in the creation of the loan, and the conspiracy to defraud the Plaintiff, all run with the loan or "Note."

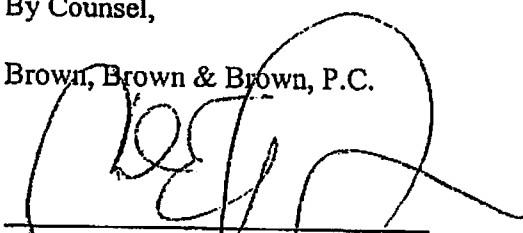
WHEREFORE, the Plaintiff seeks the following:

- (a) \$3,000,000.00 in compensatory damages.
- (b) \$3,000,000.00 in punitive damages
- (c) Attorney's fees, costs and any other relief the Court deems appropriate.

Dated: January 30, 2009.

SUSAN AYERS &
JOHN AYERS
By Counsel,

Brown, Brown & Brown, P.C.



Christopher E. Brown, VSB# 39852
R. Michael Smith, VSB# 13493
6269 Franconia Road
Alexandria, Virginia 22310
703.924.0223
fax 703.924.1586
brownfirm@lawyer.com
Counsel for Plaintiff

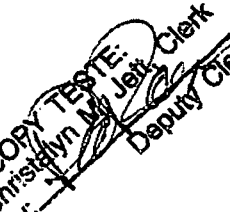
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Christilyn M. Jett, Clerk
By:  Deputy Clerk

EXHIBIT B

VIRGINIA:

IN THE CIRCUIT COURT OF SPOTSYLVANIA COUNTY

SUSAN AYERS and JOHN AYERS,

Plaintiffs,

v.

NVR, INC. D/B/A RYAN HOMES, NVR
MORTGAGE FINANCE, INC., NVR
SETTLEMENT SERVICES, INC., FIRST
GUARANTY MORTGAGE
CORPORATION, CITIBANK, N.A.,
MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC., EMC
MORTGAGE CORPORATION, and
EQUITY TRUSTEES, LLC

Defendants.

Civil Action No. CL09000141-00

NOTICE OF FILING OF NOTICE OF REMOVAL

**TO: THE CIVIL CLERK OF THE COURT,
CIRCUIT COURT OF SPOTSYLVANIA COUNTY**

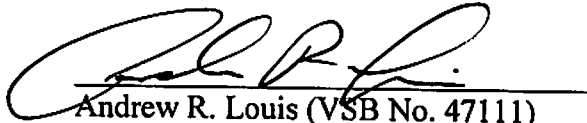
PLEASE TAKE NOTICE that, on February 18, 2010, Defendant First Guaranty Mortgage Corporation ("FGMC") filed a Notice of Removal of this action in the United States District Court for the Eastern District of Virginia, Richmond Division. A true and correct copy of the Notice of Removal is attached hereto as Exhibit A. This Notice has been served upon Plaintiffs in compliance with 28 U.S.C. § 1446.

PLEASE TAKE FURTHER NOTICE that the filing of such Notice of Removal in the United States District Court for the Eastern District of Virginia and the filing of this Notice with the Civil Clerk of the Circuit Court of Spotsylvania County effect the removal of this action.

Pursuant to 28 U.S.C. § 1446(d), the above-captioned action may proceed no further unless and until the case is remanded.

Dated: February 17, 2010

Respectfully submitted,

A handwritten signature in black ink, appearing to read "A. R. Louis", is written over a horizontal line.

Andrew R. Louis (VSB No. 47111)

BUCKLEYSANDLER LLP

1250 24th Street, NW, Suite 700

Washington, DC 20037

Tel: (202) 349-8000

Fax: (202) 349-8080

e-mail: alouis@bucklesandler.com

Attorneys for Defendant First Guaranty Mortgage Corporation

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 17, 2010, a copy of the above and foregoing was duly served upon the following by first class mail, postage prepaid:

Christopher E. Brown, Esq.
R. Michael Smith, Esq.
Brown, Brown & Brown, P.C.
6269 Franconia Road
Alexandria, VA 22310
Attorneys for Plaintiffs Susan and John Ayers

John J. Dwyer, Esq.
DLA Piper LLP (US)
1775 Wiehle Avenue, Suite 400
Reston, Virginia 20190-5159
*Counsel for Defendants NVR, Inc. d/b/a Ryan
Homes, NVR Mortgage Finance, Inc., NVR
Settlement Services, Inc.*

Michael R. Sklaire, Esq.
Greenberg Traurig, LLP
1750 Tysons Boulevard, Suite 1200
McLean, VA 22102
*Counsel for Defendants EMC Mortgage
Corporation and Mortgage Electronic
Registration Systems, Inc.*

Joseph M. LeNoir, Esq.
Bierman, Geesing, Ward & Wood, LLC
8100 Three Chopt Road, Suite 240
Richmond, VA 23229-4833
Counsel for Defendant Equity Trustees, LLC

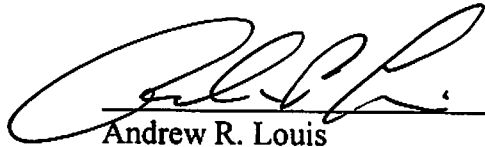

Andrew R. Louis

EXHIBIT C

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

SUSAN AYERS and JOHN AYERS,

Plaintiffs,

v.

NVR, INC. D/B/A RYAN HOMES, NVR
MORTGAGE FINANCE, INC., NVR
SETTLEMENT SERVICES, INC., FIRST
GUARANTY MORTGAGE
CORPORATION, CITIBANK, N.A.,
MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC., EMC
MORTGAGE CORPORATION, and
EQUITY TRUSTEES, LLC

Defendants.

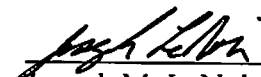
Civil Action No. _____

CONSENT TO REMOVAL

Defendant Equity Trustees, LLC, by undersigned counsel, hereby consent to the removal of the action styled *Susan Ayers et al. v. NVR, Inc. d/b/a Ryan Homes et al.*, Case No. CL09000141-00, which is currently pending in the Spotsylvania County Circuit Court.

Dated: February 15, 2010

Respectfully submitted,



Joseph M. LeNoir, Esq.
Bierman, Geesing, Ward & Wood, LLC
8100 Three Chopt Road, Suite 240
Richmond, VA 23229-4833
Phone: 804-282-0463
Fax: 804-282-0541
e-mail: joseph.lenoir@bgw-llc.com

Counsel for Defendant Equity Trustees, LLC

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

SUSAN AYERS and JOHN AYERS,

Plaintiffs,

v.

NVR, INC. D/B/A RYAN HOMES, NVR
MORTGAGE FINANCE, INC., NVR
SETTLEMENT SERVICES, INC., FIRST
GUARANTY MORTGAGE
CORPORATION, CITIBANK, N.A.,
MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC., EMC
MORTGAGE CORPORATION, and
EQUITY TRUSTEES, LLC,

Defendants.

Civil Action No. _____

CONSENT TO REMOVAL

Defendants Mortgage Electronic Registration Systems, Inc. and EMC Mortgage Corporation, by undersigned counsel, hereby consent to the removal of the action styled *Susan Ayers et al. v. NVR, Inc. d/b/a Ryan Homes et al.*, Case No. CL09000141-00, which is currently pending in the Spotsylvania County Circuit Court.

Dated: February 17, 2010

Respectfully submitted,



Michael R. Sklaire, Esq.
Greenberg Traurig, LLP
1750 Tysons Boulevard, Suite 1200
McLean, Virginia 22102
Tel: 703.749.1308
Fax: 703.714.8308
e-mail: sklairem@gtlaw.com
*Counsel for Defendants EMC Mortgage
Corporation and Mortgage Electronic Registration
Systems, Inc.*

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

SUSAN AYERS and JOHN AYERS,

Plaintiffs,

v.

NVR, INC. D/B/A RYAN HOMES, NVR
MORTGAGE FINANCE, INC., NVR
SETTLEMENT SERVICES, INC., FIRST
GUARANTY MORTGAGE
CORPORATION, CITIBANK, N.A.,
MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC., EMC
MORTGAGE CORPORATION, and
EQUITY TRUSTEES, LLC,

Defendants.

Civil Action No. _____

CONSENT TO REMOVAL

Defendant EMC Mortgage Corporation, by undersigned counsel, hereby consents to the removal of the action styled *Susan Ayers et al. v. NVR, Inc. d/b/a Ryan Homes et al.*, Case No. CL09000141-00, which is currently pending in the Spotsylvania County Circuit Court.

Dated: February 11, 2010

Respectfully submitted,



Michael R. Sklaire, Esq.
Greenberg Traurig, LLP
1750 Tysons Boulevard, Suite 1200
McLean, Virginia 22102
Tel: 703.749.1308
Fax: 703.714.8308
e-mail: sklairem@gtlaw.com
*Counsel for Defendants EMC Mortgage
Corporation*

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

SUSAN AYERS and JOHN AYERS,

Plaintiffs,

v.

NVR, INC. D/B/A RYAN HOMES, NVR
MORTGAGE FINANCE, INC., NVR
SETTLEMENT SERVICES, INC., FIRST
GUARANTY MORTGAGE
CORPORATION, CITIBANK, N.A.,
MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC., EMC
MORTGAGE CORPORATION, and
EQUITY TRUSTEES, LLC

Defendants.

Civil Action No. _____

CONSENT TO REMOVAL

Defendants NVR, Inc. d/b/a Ryan Homes, NVR Mortgage Finance, Inc., NVR Settlement Services, Inc., by undersigned counsel, hereby consent to the removal of the action styled *Susan Ayers et al. v. NVR, Inc. d/b/a Ryan Homes et al.*, Case No. CL09000141-00, which is currently pending in the Spotsylvania County Circuit Court.

Dated: February 16, 2010

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John J. Dwyer", written over a horizontal line.

John J. Dwyer, Esq.
DLA Piper LLP (US)
1775 Wiehle Avenue
Suite 400
Reston, Virginia 20190-5159
Tel: 703-773-4000
Fax: 703-773-5000
e-mail: john.dwyer@dlapiper.com

*Counsel for Defendants NVR, Inc. d/b/a Ryan
Homes, NVR Mortgage Finance, Inc., NVR
Settlement Services, Inc.*